

REMARKS

In the Office Action, the Examiner rejects claims 1, 3-11, and 46-51 under 35 U.S.C. § 103(a) as unpatentable over PETROPOULOS (U.S. Patent Application Publication No. 2005/0027670) in view of PONTE (U.S. Patent No. 6,826,559). Applicants traverse this rejection.

By way of the present amendment, Applicants amend claims 1, 6, 8, 9 and 10 to improve form. No new matter has been added by way of the amendment. Claims 1, 3-11 and 46-51 are pending.

Claims 1, 3-11, and 46-51 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over PETROPOULOS in view of PONTE. Applicants respectfully traverse this rejection.

Amended independent claim 1 recites a method that is performed by one or more server devices. The method includes receiving, by one or more processors of the one or more server devices, a query, from a client device, that includes one or more terms; determining, by one or more processors of the one or more server devices, whether the query is a commercial query by: determining, by one or more processors of the one or more server devices, whether the one or more terms of the query, in any particular order, matches a commercial query pattern in a list of commercial query patterns, and identifying, by one or more processors of the one or more server devices, the query as a commercial query when the one or more terms of the query, in any particular order, matches the commercial query pattern in the list of commercial query patterns; processing, by one or more processors of the one or more server devices, the query in a first manner when the query is not determined to be a commercial query, where processing the query in a first manner includes ranking documents in a first manner; and processing, by one or more

processors of the one or more server devices, the query in a second, different manner in response to determining that the query is a commercial query, where processing the query in a second manner includes ranking documents in a second, different manner. PETROPOULOS and PONTE, whether taken alone or in any reasonable combination, do not disclose or suggest one or more of these features.

For example, PETROPOULOS and PONTE do not disclose or suggest determining, by one or more processors of the one or more server devices, whether a query is a commercial query by determining whether one or more terms of the query, in any particular order, matches a commercial query pattern in a list of commercial query patterns, and identifying, by one or more processors of the one or more server devices, the query as a commercial query when the one or more terms of the query, in any particular order, matches the commercial query pattern in the list of commercial query patterns. The Examiner relies on paragraphs 0021, 0071, and 0080 of PETROPOULOS and Figs. 25 and 41 and column 1, lines 52-64; column 13, line 54 – column 14, line 25 (which describes Fig. 25); and column 36, line 39 – column 37, line 42 (which describes Fig. 41) of PONTE as allegedly disclosing these features (Office Action, pg. 3). Applicants respectfully disagree with the Examiner's interpretation of PETROPOULOS and PONTE.

At paragraph 0021, PETROPOULOS discloses:

In one embodiment, conversion data will generally take the form of associating the initial query (e.g., searching for jazz music), with the user's response to a set of options (e.g., selecting www.jazzmusic.org) when that response is followed by a conversion activity (e.g., downloading a digital music file). It should be understood that this association may be recorded in a variety of ways by a variety of entities and the invention is not limited to those described herein.

This section of PETROPOULOS discloses that conversion data will generally take the form of associating an initial query with a user's response to a set of options when the response is

followed by a conversion activity. While this section of PETROPOULOS discloses a query, this section of PETROPOULOS does not disclose determining whether one or more terms of the query, in any particular order, matches a commercial query pattern in a list of commercial query patterns. Therefore, this section of PETROPOULOS does not disclose or suggest determining, by one or more processors of the one or more server devices, whether a query is a commercial query by determining whether one or more terms of the query, in any particular order, matches a commercial query pattern in a list of commercial query patterns, and identifying, by the processor, the query as a commercial query when the one or more terms of the query, in any particular order, matches the commercial query pattern in the list of commercial query patterns, as recited in amended claim 1.

At paragraph 0071, PETROPOULOS discloses:

It should be appreciated that the search results are designed to accomplish the end goal of the search engine. These goals may include, but are not limited to: relevance, revenue, and diversity of results. The process flows (200, 300) may also be configured to change the outcome based on varying considerations. For example, if the query is determined to be focused on educational research, the process may be configured to promote non-commercial material. If the intent of the query is determined to be the purchase of goods or services, the process may be reconfigured to emphasize commercial or converting material. This environment may be accomplished through the use of rules that persist over time and do not consider variables such as the intent of the query, or they may be dynamic so that the process flow is modified on a query-by-query basis.

This section of PETROPOULOS discloses that if a query is determined to be focused on educational research, the process of finding search results may be configured to promote non-commercial material. If the intent of the query is determined to be the purchase of goods or services, the process may be reconfigured to emphasize commercial or converting material.

While this section of PETROPOULOS discloses that it may be determined if a query is a commercial query, this section of PETROPOULOS does not disclose determining whether one or more terms of the query, in any particular order, matches a commercial query pattern in a list

of commercial query patterns. In fact, this section of PETROPOULOS does not disclose a list at all. Nowhere in this section, or elsewhere, does PETROPOULOS disclose or suggest determining, by one or more processors of the one or more server devices, whether a query is a commercial query by determining whether one or more terms of the query, in any particular order, matches a commercial query pattern in a list of commercial query patterns, and identifying, by the processor, the query as a commercial query when the one or more terms of the query, in any particular order, matches the commercial query pattern in the list of commercial query patterns, as recited in amended claim 1.

At paragraph 0080, PETROPOULOS discloses:

Converting queries (keywords), and the URLs (documents) for which they converted, may be submitted by various sources, including site owners, service providers, or other interested parties. The recipient of the data would aggregate converting Query-URL pairs into a database that would be used to store and process those records for use in responding to future queries that match historical queries in the database. The recipient would typically be a search engine that would have rules for accepting, processing, and using the data. The recipient could also be a third party that would distribute the data in either its raw form or, after processing the data, according to the rules of the downstream partner(s) to whom the data is provided.

This section of PETROPOULOS discloses aggregating converting query – URL pairs into a database used to store and process those records for use in responding to future queries that match historical queries in the database. Matching queries to historical queries in a database in no way corresponds to determining whether one or more terms of the query, in any particular order, matches a commercial query pattern in a list of commercial query patterns. This section of PETROPOULOS does not disclose or suggest identifying the query as a commercial query when the one or more terms of the query, in any particular order, matches the commercial query pattern in the list of commercial query patterns. Put another way, PETROPOULOS's matching queries to historical queries in a database is not performed for the purpose of determining

whether the queries are commercial. Instead, the records of PETROPOULOS are used in responding to future queries that match historical queries in the database. Nowhere in this section, or elsewhere, does PETROPOULOS disclose or suggest determining, by one or more processors of the one or more server devices, whether a query is a commercial query by determining whether one or more terms of the query, in any particular order, matches a commercial query pattern in a list of commercial query patterns, and identifying, by the processor, the query as a commercial query when the one or more terms of the query, in any particular order, matches the commercial query pattern in the list of commercial query patterns, as recited in amended claim 1.

At paragraph column 1, lines 52-64, PONTE discloses:

Provided herein are methods and systems for establishing super-category lists for use in an on-line query tool. The methods and systems may include obtaining categories of documents, such as yellow pages categories, that may be retrieved with the query tool, each category having terms or words that appear in the category. The methods may further include establishing super-category terms for the documents, mapping each of the categories to a super-category term and establishing a super-category list, each element of the list including a super-category term and the terms in the categories that are mapped to that super-category term. Advertisement may be matched to the super-category terms.

This section of PONTE discloses establishing super-category lists for use in an on-line query tool by obtaining categories of documents that may be retrieved with the query tool, each category having terms or words that appear in the category. This section of PONTE has nothing to do with identifying a query as a commercial query when one or more terms of the query, in any particular order, matches the commercial query pattern in the list of commercial query patterns. Nowhere in this section, or elsewhere, does PONTE disclose or suggest determining, by one or more processors of the one or more server devices, whether a query is a commercial query by determining whether one or more terms of the query, in any particular order, matches a commercial query pattern in a list of commercial query patterns, and identifying, by the

processor, the query as a commercial query when the one or more terms of the query, in any particular order, matches the commercial query pattern in the list of commercial query patterns, as recited in claim 1. In fact, this section of PONTE has nothing to do with determining whether a query is commercial at all.

At column 13, line 54 - column 14, line 25 (which describes Fig. 25), PONTE discloses:

Generally, the markup language files include one file or document per business for which there is an advertisement, for example, in this particular embodiment. Each of the markup language files 906 includes markup language statements, such as SGML-like statements, with tags identifying key data items in the document for each business. In this particular embodiment, the information retrieval software is Verity software which uses as input markup language files 906. Additionally, Verity uses its own schema file by which a user indicates what key words or terms as indicated in the markup language files are searchable and which of the data fields contain retrievable information. "Searchable" as used herein means fields or key words and terms upon which searches may be performed, like index searching keys. "Retrievable" as used herein generally means fields or categories with associated data that may be retrieved. All searchable fields have a tag, such as a business name or city. Identifiers are generally produced by the information retrieval software 908. Verity.TM., in this particular embodiment, produces term lists 836 in which there exists a list for each particular key word, term or category followed by a chain of identifiers that indicate the record number in the denormalized data store 904. Additionally, associated with each element in the term list which indicates a record in the denormalized data, retrievable data associated with that record may also be included. For example, if the field "zip code" includes a tag as included in the mark-up language file 906 which indicates that this particular field is searchable, it may be desired that whenever a user wishes to do a search for "zip code" what is actually retrieved or displayed to the user is the city and the state. Accordingly, in this instance, the term list and the term list data store 836 contain a list corresponding to the key word "zip code". There is a term list for each particular value of a zip code. Attached to each key word "zip code" and the particular value may be a list or a chain of identifiers. Associated with each identifier on the chain may be associated data, such as the city and state, which may be retrieved when a particular zip code is searched.

This section of PONTE discloses that the markup language files include one file or document per business for which there is an advertisement. Each of the markup language files includes markup language statements with tags identifying key data items in the document for each business. This section of PONTE has nothing to do with identifying a query as a commercial query when one or more terms of the query, in any particular order, matches the commercial

query pattern in the list of commercial query patterns. Nowhere in this section, or elsewhere, does PONTE disclose or suggest determining, by one or more processors of the one or more server devices, whether a query is a commercial query by determining whether one or more terms of the query, in any particular order, matches a commercial query pattern in a list of commercial query patterns, and identifying, by the processor, the query as a commercial query when the one or more terms of the query, in any particular order, matches the commercial query pattern in the list of commercial query patterns, as recited in claim 1. In fact, this section of PONTE has nothing to do with determining whether a query is commercial at all.

At column 36, line 39 – column 37, line 42 (which describes Fig. 41), PONTE discloses retrieving a set of matching categories for a query. A user may then select categories among the matching categories to receive further sub-categories or documents, such as advertisements, that correspond to the categories. This section of PONTE has nothing to do with identifying a query as a commercial query when one or more terms of the query, in any particular order, matches the commercial query pattern in the list of commercial query patterns. Nowhere in this section, or elsewhere, does PONTE disclose or suggest determining, by one or more processors of the one or more server devices, whether a query is a commercial query by determining whether one or more terms of the query, in any particular order, matches a commercial query pattern in a list of commercial query patterns, and identifying, by the processor, the query as a commercial query when the one or more terms of the query, in any particular order, matches the commercial query pattern in the list of commercial query patterns, as recited in claim 1. In fact, this section of PONTE has nothing to do with determining whether a query is commercial at all.

For at least the foregoing reasons, Applicants submit that claim 1 is patentable over PETROPOULOS and PONTE, whether taken alone or in any reasonable combination.

Claims 3-8 depend from claim 1. Therefore, these claims are patentable over PETROPOULOS and PONTE, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 1.

Claims 9-11 recite features similar to, yet possibly of different scope than, features recited above with respect to claim 1. Therefore, claims 9-11 are patentable over PETROPOULOS and PONTE, whether taken alone or in any reasonable combination, for reasons similar to the reasons given above with respect to claim 1.

Claims 46 and 47 depend from claim 9. Therefore, these claims are patentable over PETROPOULOS and PONTE, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 9.

Claims 48 and 49 depend from claim 10. Therefore, these claims are patentable over PETROPOULOS and PONTE, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 10.

Claims 50 and 51 depend from claim 11. Therefore, these claims are patentable over PETROPOULOS and PONTE, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 11.

In light of the above, Applicants request reconsideration and withdrawal of the rejection of claims 1, 3-11, and 46-51 under 35 U.S.C. § 103(a) based on PETROPOULOS and PONTE.

Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration of the present amendment and the timely allowance of the pending claims.

As Applicants' remarks with respect to the Examiner's rejections overcome the rejections, Applicants' silence as to certain assertions by the Examiner in the Office Action or

certain requirements that may be applicable to such assertions (e.g., whether a reference constitutes prior art, reasons for modifying a reference and/or combining references, assertions as to dependent claims, etc.) is not a concession by Applicants that such assertions are accurate or that such requirements have been met, and Applicants reserve the right to dispute these assertions/requirements in the future.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

HARRITY & HARRITY, LLP

By: /Meagan S. Walling, Reg. No. 60,112/
Meagan S. Walling
Registration No. 60,112

Date: October 15, 2009

11350 Random Hills Road
Suite 600
Fairfax, Virginia 22030
(571) 432-0800

Customer Number: 44989